



WWW.MENDES.COM

October 11, 2023

VIA ECF AND E-MAIL

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambes@nysd.uscourts.gov

MEMO ENDORSED

RE: *National Liability & Fire Insurance Co. v. ASE Global Group Inc., et al.*
Civil Action No. 1:23-cv-01313 (KPF)

Dear Judge Failla:

This firm represents Plaintiff National Liability & Fire Insurance Company (“Plaintiff” or “NLF”) in the above-referenced matter. This letter motion is submitted by Plaintiff, and the request for a brief stay of discovery contained herein is joined by all appearing parties.¹

Plaintiff would first like to acknowledge that it is aware of, has fully complied with, and intends to continue to fully comply with this Court’s order extending the fact discovery deadline to and including October 27, 2023. Plaintiff has worked diligently since this case was filed on February 15, 2023 and since the Court’s July 31, 2023 order to ensure the progression of discovery, and continues to do so. In the time remaining before the current close of discovery, Plaintiff is striving to resolve discovery disputes amongst the parties related to certain document production issues, and there are set to be at least 5-8 depositions conducted (including of party witnesses) in the next two and a half weeks.

At the same time, settlement discussions between Plaintiff and Defendant Seven Peaks Equipment, LLC began in mid-September and consideration of same by Plaintiff has proceeded on a dual track with discovery and litigation. Upon further consideration and given the nature of this case, the appearing parties (including ASE Global Group, Inc. and Victor Hobson) now believe mediation will be conducive to a potential global resolution of the above-captioned litigation. In the interest of preserving both the Court’s and the parties’ resources, we are writing to request a stay of discovery so that the parties can engage in mediation in an attempt to resolve this matter. The parties are in the process of identifying and agreeing to a mediator who has availability as soon as possible. Once the

¹ Plaintiff continues its efforts to effectuate service on Mr. Carroll and Mr. Curry.

DRAFT, 2023

Page 2

mediation is scheduled, we will alert the Court of the date and promptly alert the Court of the result of mediation thereafter. As noted above, the parties have been working to complete discovery by the current October 27, 2023 deadline; should it be necessary, if the anticipated mediation is unsuccessful, the parties would request the opportunity to conduct the remaining discovery within 21 days of such unsuccessful mediation.

We thank the Court for the time and courtesies extended in this matter, and we can be available at the Court's convenience to address the foregoing.

Respectfully submitted,

MENDES & MOUNT LLP

S/ Jaimie H. Ginzberg

Eileen T. McCabe., Esq. (0875)

Jaimie H. Ginzberg, Esq. (7439)

Dylan E. Maag, Esq. (7937)

750 Seventh Avenue

New York, NY 10019

(212) 261-8000

eileen.mccabe@mendes.com

jaimie.ginzberg@mendes.com

dylan.maag@mendes.com

Attorneys for Plaintiff

cc: All Counsel of Record (via ECF and electronic mail)

Application GRANTED. The fact discovery deadline of October 27, 2023 is hereby ADJOURNED *sine die* pending further order of the Court.

The parties are hereby ORDERED to file a joint letter regarding the status of their efforts at mediation on or before **November 1, 2023**, or within 3 days of the resolution (successful or unsuccessful) of such mediation, whichever is sooner.

The Court wishes to remind the parties that they may request a referral to the Court-annexed Mediation Program if participation in such program is of interest to them.

The Clerk of Court is directed to terminate the pending motion at docket entry 56.

SO ORDERED.

Dated: October 12, 2023
New York, New York

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE